

Notice of Allowability**Application No.**

10/634,101

Applicant(s)

KURIHARA, JUNICHI

Examiner

Jeffrey R. Swearingen

Art Unit

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response of 12/1/08 and interview of 2/12/09.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20090212.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Larry D Donaghue/
Primary Examiner, Art Unit 2454

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/08 has been entered.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Paul Levy on 2/12/2009.

The application has been amended as follows:

1. A content delivery system for connecting terminal apparatuses of users to a content management unit of a service provider managing a plurality of contents via a computer network, said service provider delivering said contents to said users over said computer network, said content management unit comprising:

content file storing means for storing files of said contents;

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user-oriented content storing means in which a user area of a predetermined size is allocated to each of said users for the storage of a content owned by a corresponding one of the users;

file managing means for managing the content files stored in said content file storing means and the contents stored in the user areas of said user-oriented content storing means, wherein the file managing means copies content files selected by the user from the content file storing means to the corresponding user area;

content delivering means for providing said corresponding user with said contents stored in said corresponding user area, the contents provided to the corresponding user solely as streaming content wherein the content files are not downloadable for permanent storage by the corresponding user; and

superposing means for discouraging illegitimate copying of the content files by superposing personal information, by the content provider, including a user-identification that identifies the corresponding user on the streaming content provided by the content delivering means so the superposed personal information is displaying when the streaming content is reproduced,

wherein the personal information includes at least a corresponding user's credit card number.

wherein each of said corresponding users is charged a usage fee proportional to the user area size allocated to the corresponding user in said user-oriented content storing means.

6. A content delivery apparatus comprising:

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content file storing means for storing a plurality of content files;

user-oriented content storing means in which a user area of a predetermined size is allocated to a corresponding user for the storage of a content owned by the corresponding one of the users, the user area size being subject to charging of a usage fee;

file managing means for managing the content files stored in said content file storing means and the contents stored in the user areas of said user-oriented content storing means, wherein the file managing means copies content files selected by the user from the content file storing means to the corresponding user area;

content delivering means for providing said corresponding user with streaming delivery of said contents stored in said corresponding user area, the contents provided to the corresponding user solely as streaming content wherein the content files are not downloadable for permanent storage by the corresponding user; and

superposing means for discouraging illegitimate copying of the content files by superposing personal information, by the content provider, including a user-identification that identifies the corresponding user on the streaming content provided by the content delivering means so the superposed personal information is displaying when the streaming content is reproduced and identifies the source of the illegitimate copy,

wherein the personal information includes at least the corresponding user's credit card number.

wherein each of said corresponding users is charged a usage fee proportional to the user area size allocated to the corresponding user in said user-oriented content storing means.

8. A content delivery method, comprising:

storing content files selectable by a user by a content provider;

copying content files selected by the user to a user-oriented storage area corresponding to the user, said user-oriented storage area managed and allocated by the content provider;

providing the content files from the user-oriented storage area only to the corresponding user and providing the contents files to the corresponding user solely as streaming content wherein the content files are not downloadable for permanent storage by the corresponding user;

discouraging illegitimate copying of the content files by superposing personal information, by the content provider, including a user-identification that identifies the corresponding user on the streaming content of the providing step so the superposed personal information is displaying when the streaming content is reproduced and identifies the source of the illegitimate copy, wherein the personal information includes at least the corresponding user's credit card number; and

charging the corresponding user a usage fee proportional to the size allocated to the user-oriented area of the corresponding user.

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3. The following is an examiner's statement of reasons for allowance: The prior art does not teach or suggest adding a user's credit card number to a file streamed over the internet, where the file is uploaded to the internet by the user whose credit card number is added to the file..

4. Claims 1-5 is a content delivery system with means plus function language. Claims 6-7 is a content delivery apparatus with means plus function language. 112, sixth paragraph has been invoked. Claims 1 and 6 include storing means. Specification, page 14, refers to a hard disc drive which stores files. Computers and servers of the content management unit are comprised similarly to the user terminals which possess the hard disc drives according to page 18 of the specification. No evidence exists in the specification, intrinsically or extrinsically, to support reading the content delivery system of claims 1-6 or the content delivery apparatus of claims 6-7 as software *per se*, and the claims are limited to embodiments requiring the presence of hardware such as terminals with hard disc drives as taught by the specification as illustrated above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Donaghue can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey R. Swearingen
Examiner
Art Unit 2445

/J. R. S./
Examiner, Art Unit 2445

/Larry D Donaghue/
Primary Examiner, Art Unit 2454